



STATE OF DELAWARE

STATE COUNCIL FOR PERSONS WITH DISABILITIES

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October 30, 2009

Ms. Susan K. Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 13 DE Reg. [DOE Proposed Student Teacher Criminal Background Check Reg.]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOEs) proposal to amend its Student Teacher Criminal Background Check regulations published as 13 DE Reg. 445 in the October 1, 2009 issue of the Register of Regulations. As background, the SCPD commented on prior versions of the regulations. In September 2008, the DOE adopted some minor edits prompted by the Councils. See 12 DE Reg. 329 (September 1, 2008). In February, 2009, the DOE issued a new proposed regulation deferring the effective date of the regulation from July 1, 2009 to January 1, 2010 based on the need to have legislation enacted. The SCPD P&L Committee reviewed the proposal at the February 12, 2009 meeting and decided to issue no commentary. The DOE is now proposing to postpone the effective date of the regulation from January 1, 2010 to January 1, 2011 based on the continuing need to secure enactment of State legislation:

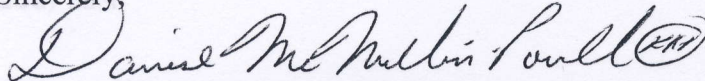
The Secretary of Education intends to amend 14 Admin Code 746 Criminal Background Check for Student Teaching to delay the implementation date. The date is being changed because current state law does not enable the Delaware State Bureau of Investigation to submit a request for a federal background check (28 C.F.R. 50.12A and 28 C.F.R. 20.33A3). The Department will pursue a legislative change to accommodate the federal requirement.

13 DE Reg. at 445.

SCPD is concerned that student safety is compromised by lack of mandatory criminal background checks of student teachers. Council recommends that the Department prioritize facilitation of State legislation necessary to implement the regulation.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulations.

Sincerely,



Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Lillian Lowery
Dr. Teri Quinn
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
Ms. Mary Cooke, Esq.
Mr. Charlie Michels
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

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